

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PHOENIX LICENSING, L.L.C., and LPL LICENSING, L.L.C.;	§	
	§	
Plaintiffs,	§	Case No. 2:09-cv-255-TJW
	§	
vs.	§	Jury Trial Demanded
	§	
THE ALLSTATE CORPORATION, <i>et al</i> ,	§	
	§	
Defendants.	§	
	§	

**AGREED MOTION TO DISMISS BANK OF AMERICA
CORPORATION, BANK OF AMERICA, N.A., AND FIA CARD SERVICES, N.A.**

NOW COME the Plaintiffs Phoenix Licensing L.L.C. and LPL Licensing L.L.C. (collectively “LPL”) and Defendants Bank of America Corporation, Bank of America, N.A. and FIA Card Services, N.A. (collectively “Bank of America”) and respectfully move the Court to dismiss this cause of action between them, and in support thereof would respectfully show the Court as follows:

All matters in controversy between LPL and Bank of America have been settled and compromised, and these parties therefore jointly move to dismiss all causes of action asserted or which could have been asserted in this suit, with prejudice to the right to pursue any such claims in the future. These parties further move that all costs of court be assessed against the party who incurred them.

WHEREFORE, PREMISES CONSIDERED, these parties jointly pray that this action be dismissed with prejudice between them, with all costs of court being assessed against the party who incurred them.

Dated: February 8, 2010

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux
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PHOENIX LICENSING, L.L.C. and
LPL LICENSING, L.L.C.**

By: /s/ Gary J. Fischman by permission ELD
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**ATTORNEY FOR DEFENDANTS
BANK OF AMERICA CORP., BANK
OF AMERICA, N.A.,
and FIA CARD SERVICES, N.A.**

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 8th day of February 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/ Elizabeth L. DeRieux